

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA, :
Plaintiff, : NO. 2:23-cr-00176-01
-vs- :
TIMOTHY BRIAN JACKSON, :
Defendant. :

REDACTED TRANSCRIPT

STATUS CONFERENCE
BEFORE THE HONORABLE JOHN T. COPENHAVER, JR.,
SENIOR UNITED STATES DISTRICT JUDGE
JUNE 5, 2024

APPEARANCES:

FOR THE PLAINTIFF:

AUSA JEREMY B. WOLFE

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FOR THE DEFENDANT:

RICO R. MOORE

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Proceedings recorded by mechanical stenography, transcript
produced by computer.

CATHERINE SCHUTTE-STANT, RDR, CRR,
Federal Official Court Reporter
300 Virginia Street, East, Room 6009
Charleston, WV 25301

1 P-R-O-C-E-E-D-I-N-G-S 1:43 p.m.

2 THE CLERK: All rise.

3 THE COURT: Good afternoon. Please be seated.

4 THE CLERK: The case before the Court is the
5 *United States of America versus Timothy Brian Jackson*,
6 Criminal Action Number 2:23-cr-00176.

7 Would counsel note their appearances for the record,
8 please.

9 MR. WOLFE: Good afternoon, Your Honor. Jeremy
10 Wolfe on behalf of the United States.

11 THE COURT: Thank you.

12 MR. MOORE: Good afternoon, Your Honor. Rico
13 Moore on behalf of Mr. Jackson, who is here in person, Your
14 Honor.

15 THE COURT: Thank you.

16 The Court notes that this matter was set for a status
17 conference today, and it looks to me as though it's
18 unfortunate, Mr. Moore, that you did not inform a great
19 number of individuals who are here, doubtless, in support of
20 the defendant.

21 MR. MOORE: I did my best, Your Honor. However,
22 this is probably half of the number that would have probably
23 shown up if we could have -- if I could have stopped.

24 THE COURT: Secondly, I would note that many of
25 the reasons for the status conference have been resolved,

1 based on the United States filing on yesterday of the Notice
2 of the United States' intent to not pursue forfeiture. That
3 is because the administrative forfeiture has already taken
4 place of quite a number of cash assets and weapons. They
5 are all listed in that notice. One that is missing is the
6 Smith & Wesson handgun that was recovered at the St. Albans
7 address.

8 Why is that omitted?

9 MR. WOLFE: Your Honor, I will confer with the
10 forfeiture AUSA in our office, but my understanding is that
11 one of pistols recovered -- and it must have been that one
12 -- was entered into the law enforcement database as having
13 been stolen. Officers were attempting to confirm that and
14 to find a rightful owner. And I don't believe they've been
15 able to do that. And so part of that confusion has led to,
16 I believe, the fact that the forfeiture has not been
17 finalized on that pistol.

18 THE COURT: As I understand it, it is to be
19 forfeited insofar as the defendant would have any interest
20 in it; although, it may be that, instead of the government
21 recovering it, it would be the owner?

22 MR. WOLFE: Yes, Your Honor.

23 THE COURT: And can you look into that, and let
24 the Court know at sentencing?

25 MR. WOLFE: Yes, Your Honor. And if a filing is

1 necessary, certainly we will do that prior to the new
2 sentencing date.

3 THE COURT: Very good.

4 The Court notes, as well, that the Probation Officer
5 who prepared this report is no longer with the Probation
6 Office. The Court would note that in paragraph 30, the
7 firearms listed are the three that were recovered at
8 [REDACTED] in South Charleston. There are two others that
9 were recovered at St. Albans that are not included.

10 And so I'm going to ask the Probation Officer who is
11 now with us with respect to this case to look into that
12 matter and see whether or not those two firearms should be
13 added to paragraph 60.

14 The Court would ask you that if they are added, see if
15 you can keep them all on that same page so that there do not
16 have to be any other revisions of any other pages as a
17 result.

18 PROBATION OFFICER: I'll do my best, Your Honor.

19 THE COURT: So that's going to be a very long
20 page, because it's already full, but it needs to be squeezed
21 in.

22 PROBATION OFFICER: If it's possible. I'll do my
23 best, Your Honor.

24 THE COURT: Thank you.

25 Aside from that, I would note that the government filed

1 its response to the objections that were set forth in the
2 defendant's Memorandum.

3 And I note, Mr. Moore, those objections, as the
4 government says, are untimely. They ought to have been
5 presented at the time the Probation Office's report was
6 prepared. And under the Rule, they ought to be considered
7 for denial. But the Court is going to permit the late
8 filing, nevertheless. And the government has responded.

9 The government's response relates, in particular, to
10 safety valve and to coercion. And the defendant can respond
11 to that filing by the government within a period of -- I'm
12 going to fix it at two weeks. The sentencing itself is to
13 be continued on the joint motion of the parties to continue
14 the sentencing in order to allow the defendant the
15 opportunity to meet with the government for the purposes set
16 forth in the motion that both of you have filed and joined
17 in.

18 The request is for 30 days. I would ask the parties
19 whether or not setting this on the 26th, 27th, or 28th would
20 suffice? That is, the 26th, 27th, 28th of June? That is
21 not the full 30 days you requested, but it's reasonably
22 close.

23 MR. WOLFE: Your Honor, I would be available on
24 any of those dates.

25 MR. MOORE: As would I, Your Honor.

1 THE COURT: What's that? What's your answer, Mr.
2 Moore?

3 MR. MOORE: I would be available on any of those
4 dates, as well.

5 THE COURT: Well, let me ask you whether or not
6 you believe that you could be ready on the 26th?

7 MR. MOORE: I do, Your Honor.

8 MR. WOLFE: Yes, Your Honor.

9 THE COURT: At 1:30?

10 MR. WOLFE: Yes, Your Honor.

11 THE COURT: Is that satisfactory, Mr. Moore?

12 MR. MOORE: Yes, it is, Your Honor.

13 THE COURT: And so, based on the joint motion by
14 both parties to continue sentencing, the Court grants that
15 motion, and sentence will proceed at 1:30 p.m. on June 26th.

16 Do the parties have anything further at this time?

17 MR. WOLFE: No, Your Honor.

18 MR. MOORE: Nothing, Your Honor.

19 THE COURT: And it will be understood that any
20 response that the defendant is filing will be received
21 within two weeks from today, which would be the 19th --
22 that's a holiday, so we'll back that up to the 18th, Mr.
23 Moore, and that will be a week ahead of the hearing.

24 Again, do the parties have anything further?

25 MR. WOLFE: No, Your Honor.

1 MR. MOORE: Not from the defense, Your Honor.

2 THE COURT: Nothing further, Mr. Moore?

3 MR. MOORE: Nothing.

4 THE COURT: Thank you.

5 We'll be in recess accordingly. Thank you.

6 THE CLERK: All rise.

7 (Proceedings concluded at 1:52 p.m.)

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CERTIFICATE OF OFFICIAL REPORTER

I, Catherine Schutte-Stant, Federal Official Realtime Court Reporter, in and for the United States District Court for the Southern District of West Virginia, do hereby certify that, pursuant to Section 753, Title 28, United States Code, the foregoing is a true and correct transcript of the stenographically reported proceedings held in the above-entitled matter and that the transcript page format is in conformance with the regulations of the Judicial Conference of the United States.

s/Catherine Schutte-Stant, RDR, CRR

November 25, 2024

Catherine Schutte-Stant, RDR, CRR
Federal Official Court Reporter

REDACTION CERTIFICATE

I certify that the foregoing is a true and correct copy of the transcript originally filed with the Clerk of Court on November 27, 2024, and incorporating redactions of personal identifiers requested by the following attorney of record: Jonathan D. Byrne, in accordance with Judicial Conference policy. Redacted characters/pages appear as a black box in the transcript. Date: January 23, 2025.

/s/ CATHERINE SCHUTTE-STANT, RDR, CRR

CATHERINE SCHUTTE-STANT, RDR, CRR
FEDERAL OFFICIAL COURT REPORTER